

In the United States Patent and Trademark Office

Serial No.: 09/842,659

§ Filing Date: 04/27/2001

Title: DEVICE FOR CONTROL OF AN
ELECTRIC MOTOR DRIVING A
MOVING OBJECT§
§ Examiner: DUDA, RINA I

Applicant: DUPIELET

§
§
§
§ GA No.: 2837
§

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MAR 8 - 2002

Atty docket no: 2.S649.374 CON

TECHNOLOGY CENTER 2800

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8. I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

On March 8, 2002Typed or printed name of person signing this certificate: C. DELLEYSignature of person signing this certificate: C. Delley**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT**

To fax : 001 703 308 7722 (11 pages total)

Attn. Mr. Robert E. Nappi

RECEIVED

MAR 15 2002

US Patent and Trademark Office
Office of Patent Publications
221 Crystal Drive
Crystal Park 3, Suite 910
Arlington, Virginia 22202
Dear Sir,

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MAR 7 - 2002

TECHNOLOGY CENTER 2800

On February 28, 2002 we received a Notice of Abandonment dated February 5, 2001 for failure to timely respond to the Office Action mailed on July 31, 2001. A copy of this Notice is herewith enclosed. In response, we submit this Request for Withdrawal of the Holding of Abandonment on the grounds that :

- 1) An amendment was actually received by the Patent Office within the required term and;
- 2) that we responded within a reasonable period after actually receiving the Notice of Abandonment.

Amendment was actually received by the Patent Office within the required term:

An Amendment was actually sent to your Office by fax on October 1, 2001. Unfortunately, we mistakenly mentioned the filing number of the prior application No 09/240,240 filed on January 30, 1999 instead of the filing number of the continuing application, which is No 09/842,659.

We enclose a copy of the faxed Amendment bearing a duly signed Certificate of Transmission under 37 CFR §1.8. This reply was sent well within the term which was fixed to November 1, 2001.

In the light of the above, the Undersigned requests that the Rules be suspended in the interest of justice and that the Office reconsider its decision of Abandonment as we have presented the necessary proofs of our good faith and timely action.

The undersigned authorizes the Commissioner to debit the account of Bugnion S.A., Geneva, Account No 50-0800, for the petition fee of \$130.-.

If the Examiner has further questions, he is invited to contact the undersigned at phone 011-4122-346-87-44 or fax at 011-4122-346-89-60 or e-mail at moetteli@email.com.

Respectfully submitted,

BUGNION S.A.


John MOETTELI
U.S. Reg. No. 35,289

Date : March 7, 2002

Enclosures : Copy of the Amendment
Copy of Notice of Abandonment

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20531
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,659	04/27/2001	Guy Dupielet Norbert	2.S649.374.CON	7848

7590
 John Moetteli
 BUGNION S.A.
 Case postale 375
 GENEVA 12 CH 1211,
 SWITZERLAND

02/05/2002

28.02.2002 08:47

Bien reçu merci
 received with thanks

EXAMINER

DUDA, RINA I

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 02/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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MAR 6 - 2002

TECHNOLOGY CENTER 2800

Notice of Abandonment

Application No.

09/842,659

Examiner

Rina I Duda

Applicant(s)

NORBERT ET AL.

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on 31 July 2001.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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 ROBERT E. NAPPI
 ASSISTANT PATENT EXAMINER
 TECHNOLOGY CENTER 2800

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

*** RAPPORT TX ***

EMISSION OK

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ID CORRESPONDANT	PTO OFFICE
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In the United States Patent and Trademark Office

Serial No. 09/240,240

Filing Date: 1/30/99

Title: DEVICE FOR CONTROL OF
AN ELECTRIC MOTOR
DRIVING A MOVING OBJECT

Examiner: David Martin

Applicant: Didier et al.

GA No.: 2837

Atty docket no: 2.S649.374

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8. I hereby certify that this correspondence is being
facsimile transmitted to the Patent and Trademark Office

On October 1, 2001

Typed or printed name of person signing this certificate:

J. Mocttel

Signature of person signing this certificate:

AMENDMENT AFTER FINAL

Via facsimile to 001-703-308-7722/24 to:
Assistant Commissioner for Patents
Washington, D.C. 20231
U.S.A.

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MAR 8 - 2002

TECHNOLOGY CENTER 2800

Dear Sir:

Applicant thanks the Examiner for his Official Action dated 08/01/01, in which the Examiner rejected claims 1 and 2. Applicant respectfully traverses this rejection, but nonetheless presents the following amendments in order to place these claims in

In the United States Patent and Trademark OfficeSerial No. ^{842,653}
~~09/240,240~~Filing Date: ^{04/27/2001}
~~1/30/99~~Title: DEVICE FOR CONTROL OF
AN ELECTRIC MOTOR
DRIVING A MOVING OBJECT

Examiner: David Martin

Applicant: Didier et al.

GA No.: 2837

Atty docket no: 2.S649.374

CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8. I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

On October 1, 2001

Typed or printed name of person signing this certificate:

J. Moetteli

Signature of person signing this certificate:

AMENDMENT AFTER FINAL***Via facsimile to 001-703-308-7722/24 to:***Assistant Commissioner for Patents
Washington, D.C. 20231
U.S.A.**FAX COPY RECEIVED****MAR 6 - 2002**

TECHNOLOGY CENTER 2800

Dear Sir:

Applicant thanks the Examiner for his Official Action dated 08/01/01, in which the Examiner rejected claims 1 and 2. Applicant respectfully traverses this rejection, but nonetheless presents the following amendments in order to place these claims in condition for allowance:

In the Claims:

1. (amended) A device for control of an electric motor driving a moving object, comprising a switch (12, 12'; 30; 38, 38') controlling a power supply to the motor and independent means for actuating the switch by reacting against the moving object so as

to cause said switch to be opened and to cut off the power supply to the motor, these actuating means comprising:

(a) a mechanical actuating device (11; 33, 33') capable of taking up a first state in which the switch is closed and a second state in which the switch is open, and

(b) means (17; 36) for putting the mechanical actuating device into its first state, the actuating device being brought into its second state by rotatably reacting against the moving object, wherein the mechanical actuating device is a bistable device (11; 30; 37) and the means for putting the actuating device into its first state are exclusively manual.

3. (amended) A device for control of an electric motor driving a moving object, comprising a switch (12, 12') controlling a power supply to the motor and independent means for actuating the switch by reacting against the moving object so as to cause said switch to be opened and to cut off the power supply to the motor, these actuating means comprising :

(a) a mechanical actuating device (11) capable of taking up a first state in which the switch is closed and a second state in which the switch is open, and

(b) means (17) for putting the mechanical actuating device into its first state, the actuating device being brought into its second state by rotatably reacting against the moving object, wherein the mechanical actuating device is a bistable device (11) and the means for putting the actuating device into its first state are exclusively manual,

the control device further having a casing (3) which is capable of turning by a limited angle about the axis of the motor against the action of a retaining spring (6, 7) while under the effect of the resisting torque created by the reaction against said moving object, wherein the bistable mechanical device (11) comprises a cylindrical part (14) which is movable in translation and in rotation within a fixed cylindrical tubular part (13) to which it is linked by the interaction of at least one spigot (16) guided by at least one ramp (15), the cylindrical part (14) being pushed by a spring (18) in the direction of the switch and linked to a pulling element (17) which can be actuated manually,

making it possible to exert a pulling force opposite to the thrust of the spring, the bistable device being brought into its second stable state either by the rotation of the casing of the motor against the action of its retaining spring , or by further pulling force on the pulling element (17), and wherein further, the bistable device (11) is mounted in the extension of the casing of the motor and its movable part (14) is equipped with a radial spigot (16) passing through a slot (15) of the fixed part forming a circuit of ramps and traps, this spigot being capable of being driven by an arm (8) integral with the casing of the motor when the bistable device (11) is in its first stable position and to allow the spring of the bistable device to push the moving part (14) into its second stable state, an escape being also possible as a result of a pulling force on the pulling element (17).

REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, on or off the record, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner. A proposed Examiner's amendment is welcomed. Further, Applicant requests a telephonic interview should the Examiner not be prepared to allow the claims as amended.

1-5: 102(b) Rejections:

The Examiner rejected claims 1 and 2 as being anticipated by DE 2734512 and claim 1 under 35 U.S.C. §102(b) as being anticipated by Hörmann (U.S. Pat. No. 4,888,531). Concerning these references, both describe a single means, a switch, which controls a power supply to the motor and which reacts against the moving object so as to cut off the power supply to the motor. Neither cited reference teaches or suggests the additional-to-the-switch element of a "means for *actuating* the switch by reacting against the moving object ...". Thus, the §102 rejection is not well founded.

However, for clarity, applicant has added the word —independent—to claims 1 and 3. Applicant asserts that this cannot raise new issues as the language of the claim makes it clear that the switch and the means for actuating the switch cannot represent the same means, by the pre-existent language of the claim.

§ § §

Conclusion

Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4122-346-8744, fax at 011-4122-346-8960 (Geneva is 6 hours ahead of Eastern Std Time), or e-mail at moeteli@bugnion.ch.

The Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of BUGNION S.A., no. 50-0800.

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MAR 8 - 2002

TECHNOLOGY CENTER 2800

Date : October 1, 2001

Respectfully submitted,

BUGNION S.A.


John MOETELI
U.S. Reg. No. 35,289

Enclosure: clean copy of amended claims

CLEAN COPY OF AMENDED CLAIMS

1. (amended) A device for control of an electric motor driving a moving object, comprising a switch (12, 12'; 30; 38, 38') controlling a power supply to the motor and independent means for actuating the switch by reacting against the moving object so as to cause said switch to be opened and to cut off the power supply to the motor, these actuating means comprising:

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(b) means (17; 36) for putting the mechanical actuating device into its first state, the actuating device being brought into its second state by rotatably reacting against the moving object, wherein the mechanical actuating device is a bistable device (11; 30; 37) and the means for putting the actuating device into its first state are exclusively manual.

3. (amended) A device for control of an electric motor driving a moving object, comprising a switch (12, 12') controlling a power supply to the motor and independent means for actuating the switch by reacting against the moving object so as to cause said switch to be opened and to cut off the power supply to the motor, these actuating means comprising:

(a) a mechanical actuating device (11) capable of taking up a first state in which the switch is closed and a second state in which the switch is open, and

(b) means (17) for putting the mechanical actuating device into its first state, the actuating device being brought into its second state by reacting against the moving object, wherein the mechanical actuating device is a bistable device (11) and the means for putting the actuating device into its first state are exclusively manual, the control device further having a casing (3) which is capable of turning by a limited angle about the axis of the motor against the action of a retaining spring (6, 7) while under the effect of the resisting torque created by the reaction against said moving object, wherein the bistable mechanical device (11) comprises a cylindrical part (14) which is movable in translation and in rotation within a fixed cylindrical tubular part (13) to

which it is linked by the interaction of at least one spigot (16) guided by at least one ramp (15), the cylindrical part (14) being pushed by a spring (18) in the direction of the switch and linked to a pulling element (17) which can be actuated manually, making it possible to exert a pulling force opposite to the thrust of the spring, the bistable device being brought into its second stable state either by the rotation of the casing of the motor against the action of its retaining spring , or by further pulling force on the pulling element (17), and wherein further, the bistable device (11) is mounted in the extension of the casing of the motor and its movable part (14) is equipped with a radial spigot (16) passing through a slot (15) of the fixed part forming a circuit of ramps and traps, this spigot being capable of being driven by an arm (8) integral with the casing of the motor when the bistable device (11) is in its first stable position and to allow the spring of the bistable device to push the moving part (14) into its second stable state, an escape being also possible as a result of a pulling force on the pulling element (17).